UNOFFICIAL VERSION

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THURSDAY, FEBRUARY 9, 2012

FIFTY-SECOND LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Joe Evans of First Presbyterian Church in Columbia, Tennessee, a guest of Senator Ketron.

PLEDGE OF ALLEGIANCE

Senator Ketron led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Mr. Speaker Ramsey--31.

COMMUNICATIONS

February 6, 2012

The Honorable Ron Ramsey Lieutenant Governor and Speaker of the Senate One Legislative Plaza Nashville, TN 37243

Dear Speaker Ramsey:

Please be advised that I must attend a required work-related meeting at Roane State Community College on Thursday, February 9, 2012, and will not be able to attend Session scheduled for that day.

With every best wish,

Sincerely,

/s/ Ken Yager Senator

APPROVED: Lieutenant Governor

Ron Ramsey

TO: Lt. Governor Ron Ramsey
FROM: Senator Reginald Tate
DATE: February 8, 2012
RE: Excused from Session

Because of death in the family (my wife's aunt), I am requesting permission to be excused from Session on Thursday, February 9, 2012.

Your consideration to this matter will be greatly appreciated.

APPROVED: Lieutenant Governor

Ron Ramsey

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2175, 2265, 2290 with amendment and 2418; and Senate Joint Resolution No. 523.

MCNALLY, Chairperson February 7, 2012

The Speaker announced that he had referred Senate Bills Nos. 2175, 2265, 2290 with amendment and 2418; and Senate Joint Resolution No. 523 to the Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2198, 2218 with amendment, 2220 with amendment, 2516, 2885 and 3208; also, recommend that Senate Bills Nos. 2128, 2248, 2490 and 3117 with amendment be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson February 7, 2012

The Speaker announced that he had referred Senate Bills Nos. 2198, 2218 with amendment, 2220 with amendment, 2516, 2885 and 3208 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2128, 2248, 2490 and 3117 with amendment to the Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2215 with amendment, 2216, 2534, 2561 with amendment, 2644, 2702, 2825 and 2829 with amendment.

JOHNSON, Chairperson February 7, 2012

The Speaker announced that he had referred Senate Bills Nos. 2215 with amendment, 2216, 2534, 2561 with amendment, 2644, 2702, 2825 and 2829 with amendment to the Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2230, 2235, 2508 with amendment and 2552; also, recommend that Senate Bill No. 2250 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson February 7, 2012

The Speaker announced that he had referred Senate Bills Nos. 2230, 2235, 2508 with amendment and 2552 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2250 to the Committee on Finance, Ways and Means.

ENERGY AND ENVIRONMENT

MR. SPEAKER: Your Committee on Energy and Environment begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2192 and 2647; also, recommend that Senate Bill No. 3655 with amendment be referred to Committee on Finance, Ways and Means.

SOUTHERLAND, Chairperson February 8, 2012

The Speaker announced that he had referred Senate Bills Nos. 2192 and 2647 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 3655 with amendment to the Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2323, 2327, 2328 with amendment and 2798.

BELL, Chairperson February 8, 2012

The Speaker announced that he had referred Senate Bills Nos. 2323, 2327, 2328 with amendment and 2798 to the Committee on Calendar.

TRANSPORTATION AND SAFETY

MR. SPEAKER: Your Committee on Transportation and Safety begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 524 with amendment,

2236 and 2779; also, recommend that Senate Bills Nos. 2385, 2466, 2485, 2509, 2684 with amendment, 2732, 2733, 2752, 2755, 3071 and 3353 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson February 8, 2012

The Speaker announced that he had referred Senate Bills Nos. 524 with amendment, 2236 and 2779 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2385, 2466, 2485, 2509, 2684 with amendment, 2732, 2733, 2752, 2755, 3071 and 3353 to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2883; Senate Resolutions Nos. 71, 72, 73 and 75; and Senate Joint Resolution No. 537.

GRESHAM, Chairperson February 8, 2012

The Speaker announced that he had referred Senate Bill No. 2883; Senate Resolutions Nos. 71, 72, 73 and 75; and Senate Joint Resolution No. 537 to the Committee on Calendar.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 3764 through 3775** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3764 by Senator Ketron.

Maury County -- As introduced, subject to local approval, sets the number of members of the Maury county board of education at 11 to be elected from school districts coextensive with the county commission districts; sets staggered four-year terms for such school board members. Repeals Chapter 44 of the Private Acts of 1973.

Senate Bill No. 3765 by Senators Ketron and Tracy.

Rutherford County -- As introduced, subject to local approval, requires that the boundaries of the road districts of the Highway Commission conform to those of the County Commission districts established by 2012 redistricting; increases, from four to six years, the next term of office for road commissioners elected from road districts two and seven. Amends Chapter 55 of the Private Acts of 1951; as amended.

Senate Bill No. 3766 by Senators Ketron and Tracy.

Rutherford County -- As introduced, subject to local approval, adjusts election cycle for county road board districts to coincide with elections for school districts. Amends Chapter 55 of the Private Acts of 1951; as amended.

Senate Bill No. 3767 by Senators Ketron and Tracy.

Rutherford County -- As introduced, subject to local approval, reapportions, after the 2010 U.S. census, Rutherford County school districts. Amends Chapter 454 of the Private Acts of 1968; as amended.

Senate Bill No. 3768 by Senator Norris.

Appropriations -- As introduced, makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012.

Senate Bill No. 3769 by Senator Norris.

Bond Issues -- As introduced, authorizes the state to issue and sell its bonds and bond anticipation notes in amounts not to exceed \$381,900,000. AN ACT to authorize the State of Tennessee, acting by resolution of its funding board, to issue and sell its bonds and bond anticipation notes in amounts not to exceed three hundred eighty-one million nine hundred thousand dollars (\$381,900,000) for the purpose of providing funds to the Department of Finance and Administration and the Department of Transportation; to provide for acquisition of equipment and sites, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, for construction of highways, and repair, replacement or rehabilitation of bridges, and for grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency or instrumentality of any of them; to provide funds for the state office buildings and support facilities revolving fund; and to provide funds for the acquisition and implementation of an interoperable communication system upgrade, and to provide for the expenditure of said funds; to issue its debt in excess of the previously stated amount to fund discount and costs of issuance; and to provide for the expenditure of said funds. This act makes appropriations for an indefinite period of time for the purpose of allocating the proceeds of the bonds and notes authorized by this act.

Senate Bill No. 3770 by Senator Norris.

Budget Procedures -- As introduced, authorizes the index of appropriations from state tax revenues for the 2011-2012 fiscal year to exceed the index of estimated growth in the state's economy by \$250,000,000 or 2.01 percent.

Senate Bill No. 3771 by Senator Norris.

Public Funds and Financing -- As introduced, specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding; removes Taft Youth Center in provision regarding appointment of dentist to provide service at certain institutions. Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71.

Senate Bill No. 3772 by Senator Southerland.

Hamblen County -- As introduced, subject to local approval, revises the charter of Hamblen County to allow the clerk of the circuit and general sessions court to be the clerk of the juvenile court, while maintaining the business of the juvenile court separate from the circuit and general sessions court. Amends Chapter 337 of the Private Acts of 1972.

Senate Bill No. 3773 by Senator Johnson.

Franklin -- As introduced, subject to local approval, deletes language relative to the construction and repair of sidewalks by abutting owners in the City of Franklin. Amends Chapter 79 of the Acts of 1903; as amended.

Senate Bill No. 3774 by Senator Johnson.

Franklin -- As introduced, subject to local approval, prohibits candidates from running for more than one elective office in City of Franklin elections. Amends Chapter 79 of the Private Acts of 1903; as amended.

Senate Bill No. 3775 by Senator Johnson.

Franklin -- As introduced, subject to local approval, clarifies charter provisions involving the office of Vice-Mayor in the City of Franklin. Amends Chapter 79 of the Acts of 1903; as amended.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 578 through 583**; and **Senate Resolutions Nos. 77 through 83** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 578 by Senators Ketron and Tracy.

Highway Signs -- Names bridge on State Route 11 in Marshall County in honor of the late Tim Mealer.

Senate Joint Resolution No. 579 by Senator Summerville.

Memorials. Death -- Kenneth Field Gardner.

Senate Joint Resolution No. 580 by Senators Ketron and Tracy.

Memorials, Professional Achievement -- John Black, 2011 General Aviation Airport Manager of the Year for the FAA Southern Region Airports Division.

Senate Joint Resolution No. 581 by Senators Henry and Finney.

Memorials, Recognition -- NAMI Tennessee's Multicultural All in the Family Summit 2012.

Senate Joint Resolution No. 582 by Senator Beavers.

Memorials, Recognition -- Clay County 2011 Fair, Division A Most Improved 2011 Fair Season Award.

Senate Joint Resolution No. 583 by Senator Crowe.

Memorials, Retirement -- Ron Bennett.

Senate Resolution No. 77 by Senator Southerland.

Memorials, Sports -- Chuckey-Doak Middle School girls' basketball team, Tri-County Conference Champions.

Senate Resolution No. 78 by Senator Beavers.

Court Rules -- Approves amendments and revisions to Tennessee rules of civil procedure.

Senate Resolution No. 79 by Senator Beavers.

Court Rules -- Approves amendments and revisions to Tennessee rules of criminal procedure.

Senate Resolution No. 80 by Senator Beavers.

Court Rules -- Approves amendments and revisions to Tennessee rules of appellate procedure.

Senate Resolution No. 81 by Senator Beavers.

Court Rules -- Approves amendments and revisions to Tennessee rules of evidence.

Senate Resolution No. 82 by Senator Beavers.

Court Rules -- Approves amendments and revisions to Tennessee rules of juvenile procedure.

Senate Resolution No. 83 by Mr. Speaker Ramsey.

Memorials, Death -- Earnest Obie Hollingsworth.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 630 and 637**; and **Senate Joint Resolutions Nos. 575 through 577** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 630 -- Memorials, Personal Achievement -- Nathan Poplin, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 630 to the Committee on Calendar.

House Joint Resolution No. 637 -- Memorials, Recognition -- 2012 Phi Theta Kappa All-American Academic Team.

The Speaker announced that he had referred House Joint Resolution No. 637 to the Committee on Calendar.

Senate Joint Resolution No. 575 -- Memorials, Retirement -- Vic Humeniuk.

The Speaker announced that he had referred Senate Joint Resolution No. 575 to the Committee on Calendar.

Senate Joint Resolution No. 576 -- Memorials, Recognition -- Veterans Honor Guard.

The Speaker announced that he had referred Senate Joint Resolution No. 576 to the Committee on Calendar.

Senate Joint Resolution No. 577 -- Memorials, Death -- Angelo Vic Varallo.

The Speaker announced that he had referred Senate Joint Resolution No. 577 to the Committee on Calendar.

MOTION

Senator Haynes moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 584**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 584 by Senator Haynes. Memorials, Personal Occasion -- Mrs. Annie Martin, 89th birthday.

On motion of Senator Haynes, the rules were suspended for the immediate consideration of the resolution.

On motion, Senate Joint Resolution No. 584 was adopted.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator Gresham, **Senate Bill No. 826** was recalled from the Committee on Education.

WITHDRAWAL OF BILL

On motion of Senator Gresham, Senate Bill No. 826 was withdrawn from the Senate.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 574 -- Memorials, Recognition -- Smith County Fair, 2011 State Champion Fair Division A.

House Joint Resolution No. 618 -- Memorials, Retirement -- Sergeant Terrence Smithson.

House Joint Resolution No. 619 -- Memorials, Death -- Joye Mathes McCleish Siler.

House Joint Resolution No. 621 -- Memorials, Death -- Judge Robert L. Moon.

House Joint Resolution No. 622 -- Memorials, Death -- Rees Skillern.

House Joint Resolution No. 626 -- Memorials, Recognition -- AIDNET of Greene County.

House Joint Resolution No. 627 -- Memorials, Recognition -- David Crockett Elementary School, National Title I Distinguished School.

House Joint Resolution No. 628 -- Memorials, Professional Achievement -- Bradley Black, 2010 Farmer of the Year.

House Joint Resolution No. 629 -- Memorials, Recognition -- David Moore.

House Joint Resolution No. 631 -- Memorials, Recognition -- "National Wear Red Day", February 3, 2012.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, February 13, 2012, pursuant to Rule 38: **Senate Bill No. 2198**.

Senate Bill No. 2418 -- Public Funds and Financing -- As introduced, requires funding for capital projects exceeding \$1 million to be specified in detail in budget document; requires quarterly report of any changes to projects. Amends TCA Title 9, Chapter 4, Part 51.

Senate Bill No. 2885 -- Emergency Communications Districts -- As introduced, designates unpublished telephone numbers as confidential when in the possession of the emergency communications board or its designated agent. Amends TCA Section 10-7-504.

Senate Joint Resolution No. 523 -- General Assembly, Statement of Intent or Position -- Expresses Tennessee's support for the Nation of Israel.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2175 -- Public Funds and Financing -- As introduced, enacts the "Uniformity in Tax Increment Financing Act of 2012". Amends TCA Title 7; Title 9 and Title 13.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the word "parking" in amendatory Section 9-23-101(15), and substituting instead the following language:

publicly-owned or privately-owned parking lots, facilities or garages, traffic signals, sidewalks or other public improvements that are available for public use

AND FURTHER AMEND by adding the following language at the end of amendatory Section 9-23-102(a)(1), in Section 2 of the bill:

provided further, in any year or years in which the base tax would be diminished solely due to a rate reduction under Section 67-5-1701 et seq., the base tax shall nevertheless be established at the amount originally determined

AND FURTHER AMEND by deleting amendatory Section 9-23-107 in Section 2 of the bill and substituting instead the following:

9-23-107. Notwithstanding any provision of Title 7, Chapter 53 to the contrary, the proceeds of tax increment revenues payable to an industrial development corporation shall only be applied to pay public infrastructure costs, the costs of acquisition of a project site, the cost of improvements to a project site, including, but not limited to, demolition, clearing, grading, utility connections to public or private utilities, buildings constructed on a project site, equipment located on a project site, architects and engineering costs for the design of any improvements to a project site, access drives on a project site, landscaping for a project site, and stormwater facilities on a project site, the costs of issuance of bonds or notes relating to the foregoing costs or debt service related to the foregoing costs; provided, however, and other than for land, improvements, or equipment utilized for public infrastructure, such revenues may be used for privately-owned land, improvements, or equipment, or for other purposes authorized by Title 7, Chapter 53, but not specified above, only if both the commissioner and the comptroller have made a written determination that the use of tax increment revenues for such purposes is in the best interest of the state. A request for this determination shall be in writing, and if the written determination approving or rejecting the proposed use is not rendered within thirty (30) days, the use is deemed approved.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2175**, as amended, passed its third and final consideration by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Senator Watson as Speaker pro tempore.

CALENDAR

Senator Ketron moved that **Senate Bill No. 2218** be placed at the heel of the Calendar for today, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 2220** be placed on the Calendar for Monday, February 13, 2012, which motion prevailed.

Senator Watson moved that **Senate Bill No. 2265** be placed on the Calendar for Monday, February 13, 2012, which motion prevailed.

Senate Bill No. 2290 -- Equalization Board -- As introduced, authorizes board to approve a continuing education program for registered taxpayer agents and to charge agents a per-credit hour fee of up to \$25.00 to defray cost of program. Amends TCA Section 67-5-1514.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following language:

The board and panel may approve a continuing education program conducted by its staff, and the board may charge agents attending for credit a fee in an amount sufficient to defray the cost of the program.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2290**, as amended, passed its third and final consideration by the following vote:

Ayes															28
Noes	_	_	_	_	_	_	_	_	_	_	_	_	_	_	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy and Watson--28.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 2207** be placed on the Calendar for Monday, February 13, 2012, which motion prevailed.

Senate Joint Resolution No. 561 -- Memorials, Death -- Charles Andrew Howell III.

Senator Summerville moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the twenty-first clause in the preamble in its entirety and substituting the following language:

WHEREAS, Mr. Howell is survived by his beloved wife, Juliet Harb Howell; his sons, Charles Andrew Howell IV (Margaret), Richard Harb Howell (Jennifer), Robert Fletcher Howell (Barbie), Patrick Buchanan Howell (Gretchen), and his grandchildren, Katie Buchanan Howell, Charles Andrew Howell V, Richard Harb Howell, Jr., Margaret ASH Howell, Julianne Johnson Howell, Patrick Buchanan Howell, Jr., Suzanne Robertson Howell, Amanda Bahia Howell, Lillian Reid Howell, Robert Fletcher Howell, Jr., and Christian Thomas Howell; and

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 561**, as amended, was adopted by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy and Watson-30.

A motion to reconsider was tabled.

House Joint Resolution No. 610 -- Memorials, Recognition -- Society of Universal Dialogue and the Turkish-American community of Tennessee.

House Joint Resolution No. 610 was concurred in by the following vote:

Senators voting aye were: Barnes, Berke, Burks, Campfield, Finney, Ford, Harper, Haynes, Herron, Kelsey, Kyle, Marrero, Massey, Norris, Southerland, Stewart and Summerville--17.

Senators present and not voting were: Beavers, Bell, Crowe, Faulk, Henry, Ketron, Roberts, Tracy and Watson--9.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 1088**, as amended, be placed on the Calendar for Thursday, February 23, 2012, which motion prevailed.

Senator Watson moved that **Senate Bill No. 1716** be placed on the Calendar for Monday, February 13, 2012, which motion prevailed.

Senate Bill No. 2218 -- Public Contracts -- As introduced, revises requirements for amounts of goods or services that may be procured without requisitioning through the Department of General Services or for contracts that may be entered into without approval of certain government officials; permits competitive negotiations on certain contracts upon approval by the chief procurement officer. Amends TCA Title 12, Chapter 3 and Title 12, Chapter 4.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the language "effective April 1, 2012," in Sections 1, 2, 3, 4, and 5, immediately preceding the language "is amended" in each of these sections.

On motion, Amendment No. 1 was adopted.

Senator Ketron moved that **Senate Bill No. 2218**, as amended, be placed on the Calendar for Monday, February 13, 2012, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 551 -- Licenses -- As introduced, requires licenses issued by the Department of Commerce and Insurance and licenses required to work as athlete agents, lobbyists, and K-12 public school teachers to be denied, suspended, or revoked, if student loans are not paid. Amends TCA Title 3: Title 49 and Title 56.

HOUSE AMENDMENT NO. 2

AMEND by deleting the effective date section in its entirety and by substituting instead the following:

SECTION __. For the purposes of promulgation of the rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2013, the public welfare requiring it.

Senator McNally moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 551**, which motion prevailed by the following vote:

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy and Watson--26.

Senators voting no were: Ford and Marrero--2.

A motion to reconsider was tabled.

MOTION

Senator McNally moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 643**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 643 -- Memorials, Death -- James Francis Brown.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, House Joint Resolution No. 643 was concurred in.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator Burks, **Senate Bill No. 3059** was recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Senator Burks, Senate Bill No. 3059 was withdrawn from the Senate.

MOTION

Senator Norris moved that the Proposed Schedule for the week of February 13, 2012, be adopted and made the action of the Senate, which motion prevailed.

MONDAY – February 13

5:00 p.m. Session – Senate Chamber

TUESDAY – February 14

8:30 a.m.	_	10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m.	_	12:30 p.m.	State & Local Government Committee
12:30 p.m.	_	1:30 p.m.	Lunch
1:30 p.m.	_	3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m.	_	5:00 p.m.	Judiciary Committee

WEDNESDAY – February 15

8:30 a.m	10:30 a.m.	Education Committee
10:30 a.m	12:00 noon	Health & Welfare Committee
12:00 noon -	1:00 p.m.	Lunch
1:00 p.m. –	2:00 p.m.	Transportation & Safety Committee

2:00 p.m. – 3:00 p.m. Energy & Environment Committee 3:00 p.m. – 5:00 p.m. Government Operations Committee

THURSDAY – February 16

9:00 a.m. Session – Senate Chamber

NOTE: Council on Pensions and Insurance, Monday, February 13, 2012, at 1:00 p.m., 29 LP.

The Commerce, Labor, Transportation and Agriculture Joint Subcommittee of Government Operations, Monday, February 13, 2012, at 1:30 p.m., 12 LP (Sunset Hearing for Tennessee Dept. of Environment and Conservation)

RECALL OF BILL

On motion of Mr. Speaker Ramsey, **Senate Bills Nos. 2385, 2466 and 2752** were recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Mr. Speaker Ramsey moved that Senate Bills Nos. 2385, 2466 and 2752 be referred to the Committee on Calendar, which motion prevailed.

RECALL OF BILL

On motion of Senator Summerville, **Senate Joint Resolution No. 579** was recalled from the Clerk's desk.

WITHDRAWAL OF BILL

On motion of Senator Summerville, Senate Joint Resolution No. 579 was withdrawn from the Senate.

MOTION

On motion of Senator Overbey, his name was added as prime sponsor of **Senate Bills Nos. 13 and 2123**.

On motion of Senator Southerland, his name was removed as sponsor of **Senate Bill No.** 13.

On motion of Senator Ketron, his name was added as sponsor of Senate Bill No. 2188.

On motion of Senator Bell, his name was added as sponsor of **Senate Bill No. 2200**.

On motion of Senator Beavers, her name was added as sponsor of Senate Bill No. 3002.

On motion of Mr. Speaker Ramsey, his name was added as sponsor of **Senate Bill No.** 3037.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 3194**; and **Senate Joint Resolution No. 571**.

On motion of Senators Haynes, Barnes, Tracy and Stewart, their names were added as sponsors of **Senate Bills Nos. 3195 and 3199**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bills Nos. 3352** and **3614**; and **House Joint Resolution No. 654**.

On motion of Senators Crowe, McNally, Southerland and Tracy, their names were added as sponsors of **Senate Joint Resolution No. 523**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 561**.

On motion of Senators Harper, Henry and Johnson, their names were added as sponsors of **Senate Joint Resolution No. 584**.

On motion of Senators Marrero, Barnes, Campfield, Ford and Kyle, their names were added as sponsors of **House Joint Resolution No. 610**.

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 619**.

On motion of Senators Berke, Faulk and Ford, their names were added as sponsors of **House Joint Resolution No. 621**.

On motion of Senator Berke, his name was added as sponsor of **House Joint Resolution No. 622**.

On motion of Senators Faulk and Southerland, their names were added as sponsors of **House Joint Resolution No. 626**.

On motion of Senators Crowe and McNally, their names were added as sponsors of **House Joint Resolution No. 628**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolutions Nos. 629 and 643**.

On motion of Senators Ford, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 631**.

On motion of Senator Kyle, his name was added as sponsor of **Senate Bills Nos. 2130**, **2131**, **2250**, **2251** and **2252**; and **House Joint Resolution No. 601**.

ENGROSSED BILLS

February 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2175, 2290, 2418 and 2885; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON, Deputy Chief Clerk.

ENGROSSED BILLS

February 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 523, 561 and 574; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON, Deputy Chief Clerk.

ENGROSSED BILLS

February 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 584, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON, Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2365, passed by the House.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 638, 639 and 641; adopted, for the Senate's action.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 643 and 644, adopted, for the Senate's action.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2203, substituted for House Bill on same subject and passed by the House.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2244, substituted for House Bill on same subject and passed by the House.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2360, substituted for House Bill on same subject and passed by the House.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 562, 563, 566, 570 and 573; concurred in by the House.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 584, concurred in by the House.

JOE MCCORD, Chief Clerk.

ENROLLED BILLS

February 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 551, 2203, 2244 and 2360; and Senate Joint Resolution No. 570; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON, Deputy Chief Clerk.

ENROLLED BILLS

February 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 562, 563, 566, 573 and 584; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON, Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 610, 618, 619, 621, 622, 626, 627, 628, 629, 631 and 643; for the signature of the Speaker.

JOE MCCORD, Chief Clerk.

SIGNED

February 8, 2012

The Speaker announced that he had signed the following: House Bill No. 2035.

SIGNED

February 9, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 562, 563, 566, 573 and 584.

SIGNED

February 9, 2012

The Speaker announced that he had signed the following: Senate Joint Resolution No. 570.

SIGNED

February 9, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 610, 618, 619, 621, 622, 626, 627, 628, 629, 631 and 643.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 562, 563, 566, 573 and 584; signed by the Speaker.

JOE MCCORD, Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 570, signed by the Speaker.

JOE MCCORD, Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

February 9, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 562, 563, 566, 573 and 584; for his action.

ALAN WHITTINGTON, Deputy Chief Clerk.

MESSAGE FROM THE GOVERNOR

February 9, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 1514, with his approval.

HERBERT H. SLATERY III, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

February 10, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 553, 554, 555, 556, 557, 558, 559, 560, 562, 563, 566, 573 and 584; with his approval.

HERBERT H. SLATERY III, Counsel to the Governor.

REPORT OF COMMITTEE ON CALENDAR CONSENT CALENDAR # 1

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 13, 2012: Senate Joint Resolutions Nos. 575, 576 and 577; and House Joint Resolutions Nos. 630 and 637.

This the 9th day of February, 2012. MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR CONSENT CALENDAR # 2

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 13, 2012: Senate Bills Nos. 2230, 2236, 2385, 2466, 2516, 2647, 2752, 2883 and 3208; Senate Joint Resolution No. 537; and Senate Resolutions Nos. 71, 72, 73 and 75.

This the 9th day of February, 2012. MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 13, 2012: Senate Bills Nos. 524, 2192, 2215, 2216, 2235, 2552, 2561, 2644, 2702, 2825, 2829, 1716, 2198, 2207, 2218, 2220 and 2265.

This the 9th day of February, 2012. MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, February 13, 2012, which motion prevailed.